



Roll Call Number

Agenda Item Number

63

Date July 18, 2022

An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-1.10 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located 1210 & 1220 Army Post Road from Limited "MX3" Mixed-Use District to Limited "MX3" Mixed-Use District classification",

which was considered and voted upon under Roll Call No. 22-0944 of June 13, 2022; again presented.

Moved by _____ that this ordinance be
considered and given second vote for passage. Seconded by
_____.

(Second of three required readings)

FORM APPROVED:

/s/ Gary D. Goudelock

Gary D. Goudelock

Assistant City Attorney

(ZONG2022-0000027)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

CERTIFICATE

I, LAURA BAUMGARTNER, Acting City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

Acting City Clerk

Prepared by: Gary D. Goudelock, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309 515-283-4543
 Return Address: City Clerk - City Hall, 400 Robert D. Ray Dr., Des Moines, IA 50309
 Title of Document: City of Des Moines, Ordinance No. _____
 Grantor/Grantee: City of Des Moines, Iowa
 Legal Description: See pages 1 and 2, below.

ORDINANCE NO. _____

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-1.10 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located at 1210 & 1220 Army Post Road from Limited "MX3" Mixed-Use District to Limited "MX3" Mixed-Use District classification.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-1.10 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same is hereby amended by rezoning and changing the district classification of certain property located at 1210 & 1220 Army Post Road from Limited "MX3" Mixed-Use District to Limited "MX3" Mixed-Use District classification, more fully described as follows:

LOTS 1, 2, 3, 4, AND 392, DAVID MCKEE PLACE, AN OFFICIAL PLAT RECORDED IN BOOK "H" PAGE 16 AT THE POLK COUNTY RECORDER'S OFFICE, EXCEPTING THEREFROM THE NORTH 10 FEET FROM SAID LOTS 1, 2, 3, 4, AND 392 AND FURTHER

EXCEPTING THE SOUTH 109 FEET OF SAID LOT 392, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

Section 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

- (1) The following uses shall be prohibited on the Property:
 - a. Animal Boarding.
 - b. Bar.
 - c. Bail Bonds.
 - d. Delayed Deposit Service.
 - e. Pawnbroker.
 - f. Sign, General Advertising (billboard).
 - g. Vehicle Sales & Service Category, including Fuel Station, Vehicle Sales, Vehicle Rental, and Vehicle Maintenance/Repair, Minor, except Automotive Upholstery and Automotive Detailing uses are permitted.
 - h. Any use that involves the sale or service of alcoholic liquor, wine, and/or beer.
- (2) Any commercial use on the Property shall be in accordance with all Site Plan and Building Code requirements, including issuance of all necessary permits by the City's Permit & Development Center.
- (3) No commercial use of the Property shall commence until a Certificate of Occupancy for such use has been issued by the City's Permit & Development Center.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 4. That the City Clerk is hereby authorized and directed to cause certified copies of the Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED:

/s/ Gary D. Goudelock

Gary D. Goudelock
Assistant City Attorney

63



Roll Call Number

22-1093

Agenda Item Number

79

Date June 27, 2022

An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-1.10 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located 1210 & 1220 Army Post Road from Limited "MX3" Mixed-Use District to Limited "MX3" Mixed-Use District classification",

which was considered and voted upon under Roll Call No. 22-0944 of June 13, 2022; again presented.

Moved by Gatto to continue until July 18, 2022 Council meeting. Second by Boesen.

(Second of three required readings)

(ZONG2022-0000027)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER				✓
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

J. M. Franklin Cownie Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, Acting City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Laura Baumgartner Acting City Clerk

22-1093
68A
79
63

Prepared by: Gary D. Goudelock, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309 515-283-4543
Return Address: City Clerk - City Hall, 400 Robert D. Ray Dr., Des Moines, IA 50309
Title of Document: City of Des Moines, Ordinance No. _____
Grantor/Grantee: City of Des Moines, Iowa
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Section 2. That this ordinance and the zoning granted by the terms hereof are subject to

the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

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 - a. Animal Boarding.
 - b. Bar.
 - c. Bail Bonds.
 - d. Delayed Deposit Service.
 - e. Pawnbroker.
 - f. Sign, General Advertising (billboard).
 - g. Vehicle Sales & Service Category, including Fuel Station, Vehicle Sales, Vehicle Rental, and Vehicle Maintenance/Repair, Minor, except Automotive Upholstery and Automotive Detailing uses are permitted.
 - h. Any use that involves the sale or service of alcoholic liquor, wine, and/or beer.
- (2) Any commercial use on the Property shall be in accordance with all Site Plan and Building Code requirements, including issuance of all necessary permits by the City's Permit & Development Center.
- (3) No commercial use of the Property shall commence until a Certificate of Occupancy for such use has been issued by the City's Permit & Development Center.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 4. That the City Clerk is hereby authorized and directed to cause certified copies of the Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED:

/s/ Gary D. Goudelock

Gary D. Goudelock
Assistant City Attorney



May 17, 2022

Communication from the City Plan and Zoning Commission advising that at their May 5, 2022 meeting, the following action was taken regarding a request from Tiger Knight, LLC (owner), represented by Barry Nelson (officer) to rezone property located at 1210 & 1220 Army Post Road from Limited "MX3" Mixed-Use District with conditions to Limited "MX3" Mixed-Use District with conditions to allow automotive upholstery and automotive detailing uses.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dan Drendel	X			
Leah Rudolphi	X			
Dory Briles				X
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	X			
Jann Freed	X			
Todd Garner	X			
Johnny Alcivar	X			
Justyn Lewis	X			
Carolyn Jenison	X			
William Page	X			
Andrew Lorentzen	X			
Emily Webb	X			

APPROVAL of Part A) The proposed rezoning be found in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, which designates the property as Community Mixed Use.

Part B) Approval of the request to rezone the subject property from a Limited "MX3" Mixed-Use District to a Limited "MX3" Mixed-Use District subject to the following conditions:

- (1) The following uses shall be prohibited on the Property:

- a. Animal Boarding.
 - b. Bar.
 - c. Bail Bonds.
 - d. Delayed Deposit Service.
 - e. Pawnbroker.
 - f. Sign, General Advertising (billboard).
 - g. Vehicle Sales & Service Category, including Fuel Station, Vehicle Sales, Vehicle Rental, and Vehicle Maintenance/Repair, Minor, except Automotive Upholstery and Automotive Detailing uses are permitted.
 - h. Any use that that involves the sale or service of alcoholic liquor, wine, and/or beer.
- (2) Any commercial use on the Property shall be in accordance with all Site Plan and Building Code requirements, including issuance of all necessary permits by the City's Permit & Development Center.
- (3) No commercial use of the Property shall commence until a Certificate of Occupancy for such use has been issued by the City's Permit & Development Center.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, which designates the property as Community Mixed Use.

Part B) Staff recommends approval of the request to rezone the subject property from a Limited "MX3" Mixed-Use District to a Limited "MX3" Mixed-Use District subject to the following conditions:

- (1) The following uses shall be prohibited on the Property:
- a. Animal Boarding.
 - b. Bar.
 - c. Bail Bonds.
 - d. Delayed Deposit Service.
 - e. Pawnbroker.
 - f. Sign, General Advertising (billboard).
 - g. Vehicle Sales & Service Category, including Fuel Station, Vehicle Sales, Vehicle Rental, and Vehicle Maintenance/Repair, Minor, except Automotive Upholstery and Automotive Detailing uses are permitted.
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- (3) No commercial use of the Property shall commence until a Certificate of Occupancy for such use has been issued by the City's Permit & Development Center.

Written Responses

3 in Favor

3 in opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The applicant desires to occupy the existing building and parking lot with a mix of uses, including an "Industrial Service – Intensive" use (landscaping company with outdoor storage) and a "Vehicle Maintenance/Repair, Minor" use (vehicle upholstery). The subject property is zoned a Limited "MX3" District that prohibits "Vehicle Maintenance/Repair, Minor" uses. Additionally, the outdoor storage falls under the "Storage, Distribution and Wholesaling" category in City Code Table 134-3.1-1, which requires the "I1" zoning district. Therefore, the applicant requested to rezone the property to "I1" District.

Upon consideration of a continuance of this item, staff and the applicant discussed modifying the proposal in order to address concerns expressed at the April 21, 2022 Plan and Zoning Commission meeting. The applicant is now proposing to rezone the property to a limited "MX3" District that would allow the existing automotive upholstery business to be retained and would allow automotive detailing uses to occupy the property in the future. The applicant is no longer seeking zoning that would allow outdoor storage for the lawncare business that occupies a portion of the building or outdoor storage of items belonging to the applicant. The "MX3" District allows the lawncare business use so long as all storage occurs within a building.

- 2. Size of Site:** 1.121 Acres (48,848 square feet).
- 3. Existing Zoning (site):** Limited "MX3" Mixed-Use District.
- 4. Existing Land Use (site):** The property consists of an existing 15,075-square foot building and a surface parking lot.
- 5. Adjacent Land Use and Zoning:**
 - North** – "RX1"; Use are offices.
 - South** – "N3b"; Uses are one household residential.
 - East** – "RX1"; Use is retail.
 - West** – "RX1"; Use is one household residential.
- 6. General Neighborhood/Area Land Uses:** The subject property is located along the Army Post Road commercial corridor to the east of Southwest 13th Street. Low density residential areas are generally to the north and south of the corridor.
- 7. Applicable Recognized Neighborhood(s):** The subject property is located within 250 feet of the Watrous South neighborhood association. All neighborhoods were notified of the April 21, 2022 public hearing by mailing of the Preliminary Agenda on April 1, 2022. Additionally, separate notifications of the hearing for this specific item were

mailed on April 1, 2022 (20 days prior to the 04.21.22 hearing) and April 11, 2022 (10 days prior to the 04.22.22 hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

A Final Agenda for the April 21, 2022 meeting was mailed to all recognized neighborhoods on April 11, 2022. A Final Agenda for the May 5, 2022 meeting was mailed to all recognized neighborhoods on April 29, 2022. All agendas and notices are mailed to the primary contact designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Watrous South Neighborhood Association notices were mailed to James Spiller, PO Box 35845, Des Moines, IA 50315.

- 8. Relevant Zoning History:** On April 3, 2017, the City Council denied a request to rezone the property to the "M-1" Light Industrial District to allow the appellant to use the building for warehouse, bowling pin refurbishing, and automobile painting. This denial of the rezoning allowed the appellant to request a Use Variance. On May 24, 2017, the Zoning Board of Adjustment denied a request for a Use Variance to allow use of the existing building and proposed addition for an ice warehouse and distribution facility.

On June 27, 2018, the Zoning Board of Adjustment granted an Exception of 4 feet less than the minimum 20 feet of width required for a driveway for two-way circulation and an Exception of 14 parking spaces less than the minimum 76 off-street parking spaces required for 9,000 square feet of assembly use (1 space per 150 square feet) and for 5,051 square feet of retail space (1 space per 400 square feet for 4,000 square feet and 1 space per 200 square feet for the balance), to allow use of the existing building, as well as a proposed 18-foot by 32-foot (576 square feet) addition to the rear of the building, for a mix of uses, including 9,000 square feet of event center (assembly) use and 5,051 square feet of retail use. That approval was subject to the following conditions:

1. All driveways shall be paved to the satisfaction of the Planning Administrator.
2. The parking lot shall be expanded to provide at least 22 additional parking spaces in accordance with an approved Site Plan (minimum of 62 total parking spaces).
3. The entire site shall be brought into conformance with the City's Landscaping Standards.
4. All site improvements and landscaping identified on the approved Site Plan shall be installed prior to the issuance of a final Certificate of Occupancy (C.O.).

On December 16, 2019, the subject property was rezoned from "C-2" General Retail and Highway-Oriented Commercial District to "RX1" Mixed-Use District, as part of the Citywide rezoning established by Ordinance 15,818.

On May 20, 2020, a Plat of Survey (13-2020-1.48) was approved to create a 109-foot deep by 123-foot wide parcel with frontage along West Street immediately to the south

of the subject property. There is currently a relocated manufactured home setting on the subject property, which is intended to be placed on this newly created lot.

On December 21, 2020, the City Council adopted Ordinance 15,955 to rezone the property from "RX1" Neighborhood Mixed-Use District to a Limited "MX3" Mixed-Use District. The rezoning allowed the appellant to retain a lawncare business with no outdoor storage but prohibited any vehicle sales on the property. That approval was subject to the following conditions:

- (1) The following uses shall be prohibited on the Property:
 - a. Animal Boarding.
 - b. Bar.
 - c. Bail Bonds.
 - d. Delayed Deposit Service.
 - e. Pawnbroker.
 - f. Sign, General Advertising (billboard).
 - g. Vehicle Sales & Service Category, including Fuel Station, Vehicle Sales, Vehicle Rental, and Vehicle Maintenance/Repair, Minor.
 - h. Any use that involves the sale or service of alcoholic liquor, wine, and/or beer.
- (2) Any commercial use on the Property shall be in accordance with all Site Plan and Building Code requirements, including issuance of all necessary permits by the City's Permit & Development Center.
- (3) No commercial use of the Property shall commence until a Certificate of Occupancy for such use has been issued by the City's Permit & Development Center.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Community Mixed-Use.

10. Applicable Regulations: Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. PlanDSM Creating Our Tomorrow:** After reconsideration, the applicant has proposed a Limited "MX3" Mixed-Use District with conditions to allow the appellant to retain automotive upholstery retained and would allow automotive detailing uses to occupy the property in the future. The lawncare business that was discussed at the meeting is allowed by the current zoning if all storage occurs within a building. They are no longer proposing outdoor storage. Therefore, "I1" zoning is not necessary.

The proposed Limited "MX3" is consistent with the current "Community Mixed-Use" land use designation. Plan DSM describes this designation as follows:

Community Mixed-Use: Small- to medium-scale mixed use development, located on high-capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customers.

Staff is supportive of the amended request and believes the addition of automotive upholstery and automotive detailing as permitted uses would not have a negative impact on the surrounding area.

2. **Planning and Design Ordinance:** Any construction or change in use must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (City Code Chapter 135). Furthermore, the applicant may be required to prepare a Site Plan and building elevations for any proposed additions or modifications for review before the property can be legally occupied by the proposed use.

APRIL 21, 2022 - SUMMARY OF DISCUSSION

Sreyoshi Chakraborty presented staff report and recommendation.

Chris Draper stated this is an area where an industrial use doesn't make sense. Their best option would be denial from the Plan and Zoning Commission, so they have the opportunity to seek a conditional use from the Zoning Board of Adjustment.

Sreyoshi Chakraborty stated a denial of rezoning would offer them an opportunity to go to the Zoning Board of Adjustment to seek approval for a specific use.

Jason Van Essen noted the existing zoning conditions they are not complying with and the site plan that was never finalized to bring the site into compliance.

Chris Draper stated a conditional use might be difficult given the history. An industrial use does not make sense in this location. Therefore, a denial would be their best option and gives them the opportunity to argue their case to the Zoning Board of Adjustment.

Sreyoshi Chakraborty stated with a conditional use approval, the land use amendment will not be required.

Ed Arp, Civil Engineering Consultants, 2400 86th Street, Urbandale, IA stated as you can see from the photos, this is a very substantial building, it's in very good shape but doesn't fit in well with the surrounding neighborhood. Under the current zoning, the landscape business is allowed but they cannot have outdoor storage. The upholstery company is replacing the upholstery in cars and they do not see that as auto repair. They believe the current businesses occupying the building meet the MX3 uses but now they aren't sure what to do since they were recommended to seek I1 zoning from the Zoning Enforcement Division. Only 1 person was in attendance for their neighborhood meeting and the responses cards shown tonight make it seem like they are going to build some big industrial facility. This building has been there since 1960 and the current uses have been

going on for 2 years with no complaints from the neighbors. He would like some discussion from the commission tonight and agree to something that will work for this type of architecture. Ed presented a picture via the overhead to show the location of the purposed outdoor storage area.

Justyn Lewis asked what they plan to store outside.

Ed Arp stated cars and any equipment the landscape company would have.

Justyn Lewis asked if the main use would be for landscaping equipment.

Ed Arp stated yes, that would be the only thing noticeable on site.

Justyn Lewis asked where the landscaping company is currently storing equipment.

Barry Nelson, 13947 Oak Brook Drive, Urbandale, IA stated the landscaping company has 2-3 trailers that they would like to store on the parking lot in front of the space they rent. The upholstery company can fit 5 cars inside at one time and will have a few cars stored outside on occasion. When he bought this building, it was occupied by office space and retail. Retail is almost dead due to Amazon and office space is quickly dying out due to 30-40% of America working from home since the pandemic. He is trying to cater to service-oriented businesses that need 1,500-6,000 square feet for storage and operation. He will use the 3,000 square feet in the back for skid loaders, 2 trailers and a boom truck he personally owns.

Justyn Lewis asked where in the building is the upholstery business located.

Barry Nelson stated they are on the west end of the building.

Justyn Lewis asked if the existing trailers being parked in the front would be moved to the new paved area in the rear.

Barry Nelson stated if they are approved for I1, those trailers would remain in the front parking lot.

Justyn Lewis asked what city staff's objection is to storing trailers outside and how can we be flexible enough to allow these to be moved to rear of the building.

CHAIRPERSON OPENED THE PUBLIC HEARING

Scott Westerkamp, representing Fort Des Moines Open Bible Church, 1116 Army Post Road stated he went to the neighborhood meeting last Wednesday and advised them the existing uses are not bothering him. The only problem he would have is if they want to turn this into a bar. He hopes they can work something out and continue to operate as they have been.

Jason Van Essen stated the outdoor storage component of the businesses is what needs I1 zoning. To rezone this to an industrial zoning district, the city would need to amend the future land use map and designate this property for industrial use. If you look at the current land use map, this is not a part of town where we have any industrial designations. If this

rezoning is denied, the applicant would have the ability to go to the Zoning Board of Adjustment to seek a use variance for outdoor storage. The Board can consider unique circumstances and characteristics.

Justyn Lewis asked if the outdoor storage component was taken off, could they adjust their zoning conditions to allow the upholstery business.

Jason Van Essen stated the applicant could amend their request to a limited MX3 which would allow city staff to amend the previously approved zoning conditions.

Justyn Lewis stated as an entrepreneur, he is worried about putting these companies out of business and would like to find something that works for all parties involved.

Ed Arp asked what's the definition of outdoor storage.

Jason Van Essen stated trailers, equipment, and product.

Ed Arp asked if vehicles are included.

Jason Van Essen stated standard vehicles are not.

Ed Arp asked if it would still be considered outdoor storage if there was a roof over it but was open on the sides.

Jason Van Essen stated the definition within the ordinance states buildings must be enclosed on all sides.

CHAIRPERSON CLOSED THE PUBLIC HEARING

APRIL 21, 2022 - COMMISSION ACTION:

Jann Freed made a motion to continue item #12 to the May 5, 2022 Plan and Zoning Commission meeting.

MAY 5, 2022 - SUMMARY OF DISCUSSION

Sreyoshi Chakraborty presented staff report and recommendation.

Francis Boggus asked what is the maximum number of cars allowed in the parking lot at one time.

Bert Drost stated if this zoning amendment is approved, the site plan will need to identify the areas devoted to each use. Based on those devoted areas, the parking requirement will be set.

Leah Rudolphi asked if the outdoor storage to the south is still being requested.

Sreyoshi Chakraborty stated the applicant has agreed to no outdoor storage.

Ed Arp, Civil Engineering Consultants, 2400 86th Street, Urbandale, IA stated he would like to complement city staff for helping them through this request. They are no longer requesting outdoor storage and happy with the revised proposal.

Johnny Alcivar asked what will happen with the trailers being stored outdoors.

Ed Arp stated they will now be stored within the building.

Justyn Lewis asked what the original use was for the outdoor storage.

Ed Arp stated trailers for the landscaping company.

CHAIRPERSON OPENED THE PUBLIC HEARING

Carol Maher, 701 Polk Boulevard stated she is happy to hear the trailers will be moved inside as they were unattractive sitting outside. She would like to see the parking lot be brought into compliance, a fresh coat of paint on the building and appropriate signage for each business within the building.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Chris Draper asked if outdoor storage is allowed in MX3.

Jason Van Essen stated outdoor storage is not allowed in MX3.

MAY 5, 2022 - COMMISSION ACTION:

Justyn Lewis made a motion for:

Part A) The proposed rezoning be found in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, which designates the property as Community Mixed Use.

Part B) Approval of the request to rezone the subject property from a Limited "MX3" Mixed-Use District to a Limited "MX3" Mixed-Use District subject to the following conditions:

- (1) The following uses shall be prohibited on the Property:
 - a. Animal Boarding.
 - b. Bar.
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Motion passed: 13-0

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jason Van Essen".

Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



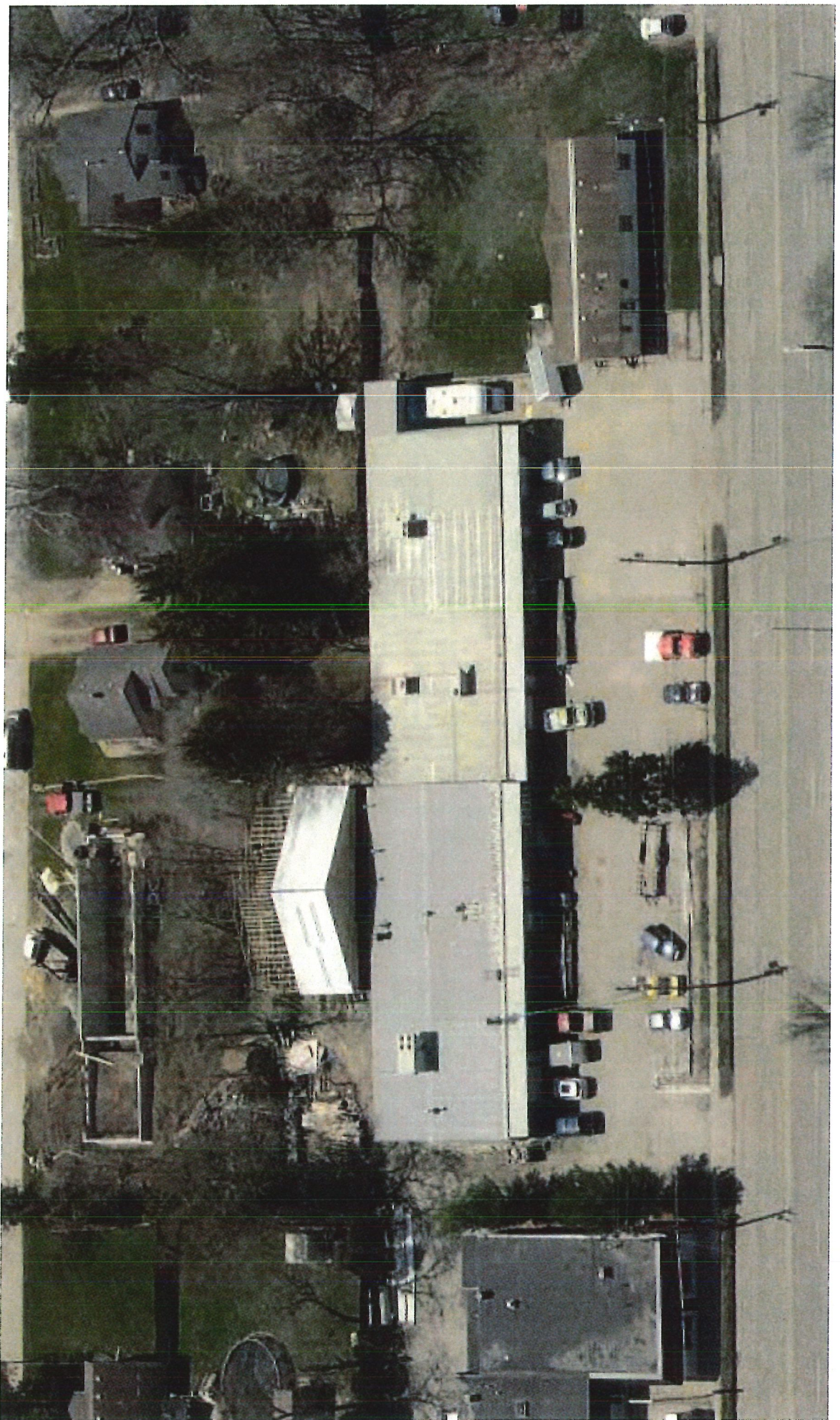
1 inch = 103 feet

Tiger Knight, 1210 & 1220 Army Post Road

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ZONG-2022-000027



1 inch = 103 feet







103



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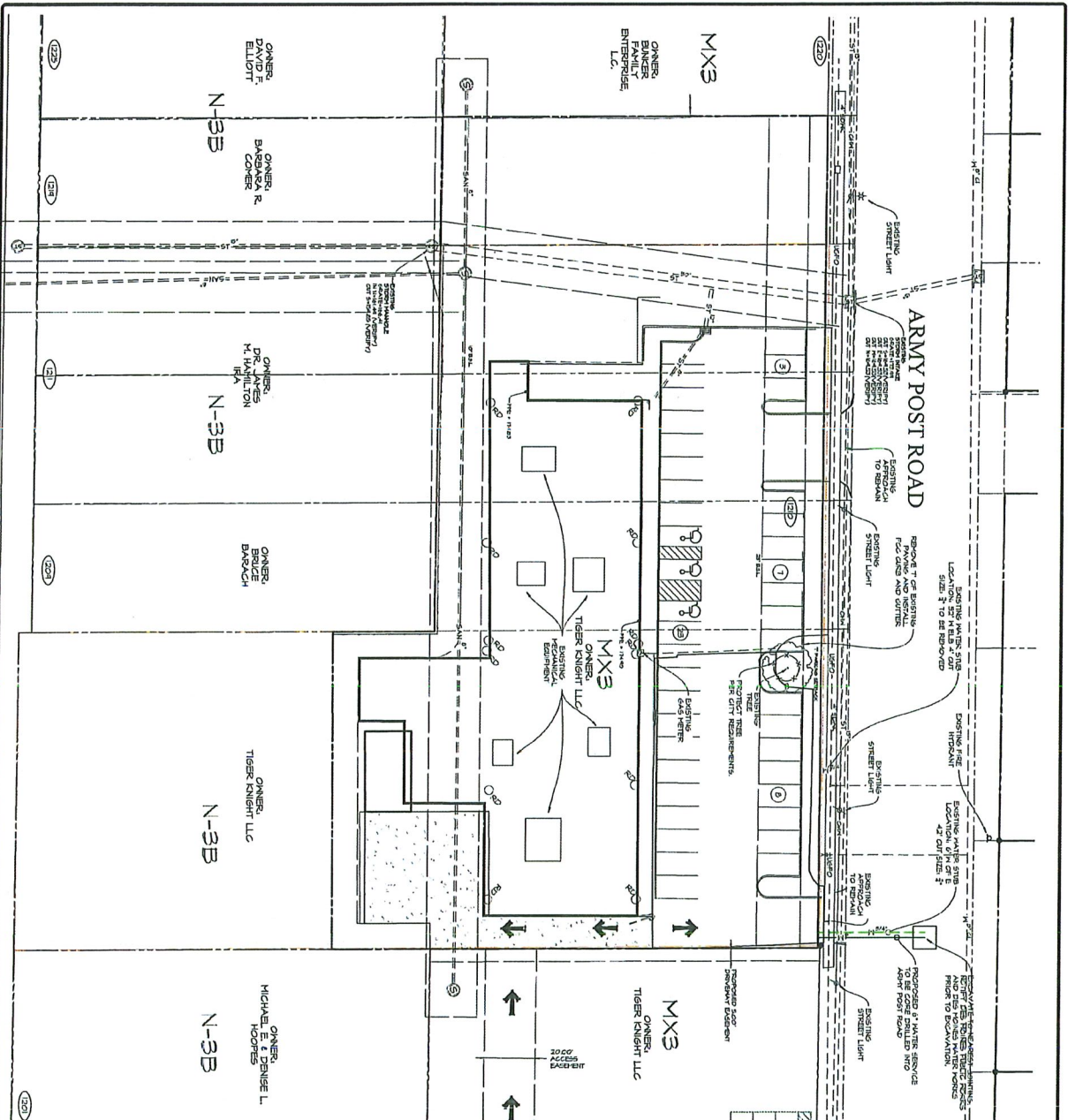


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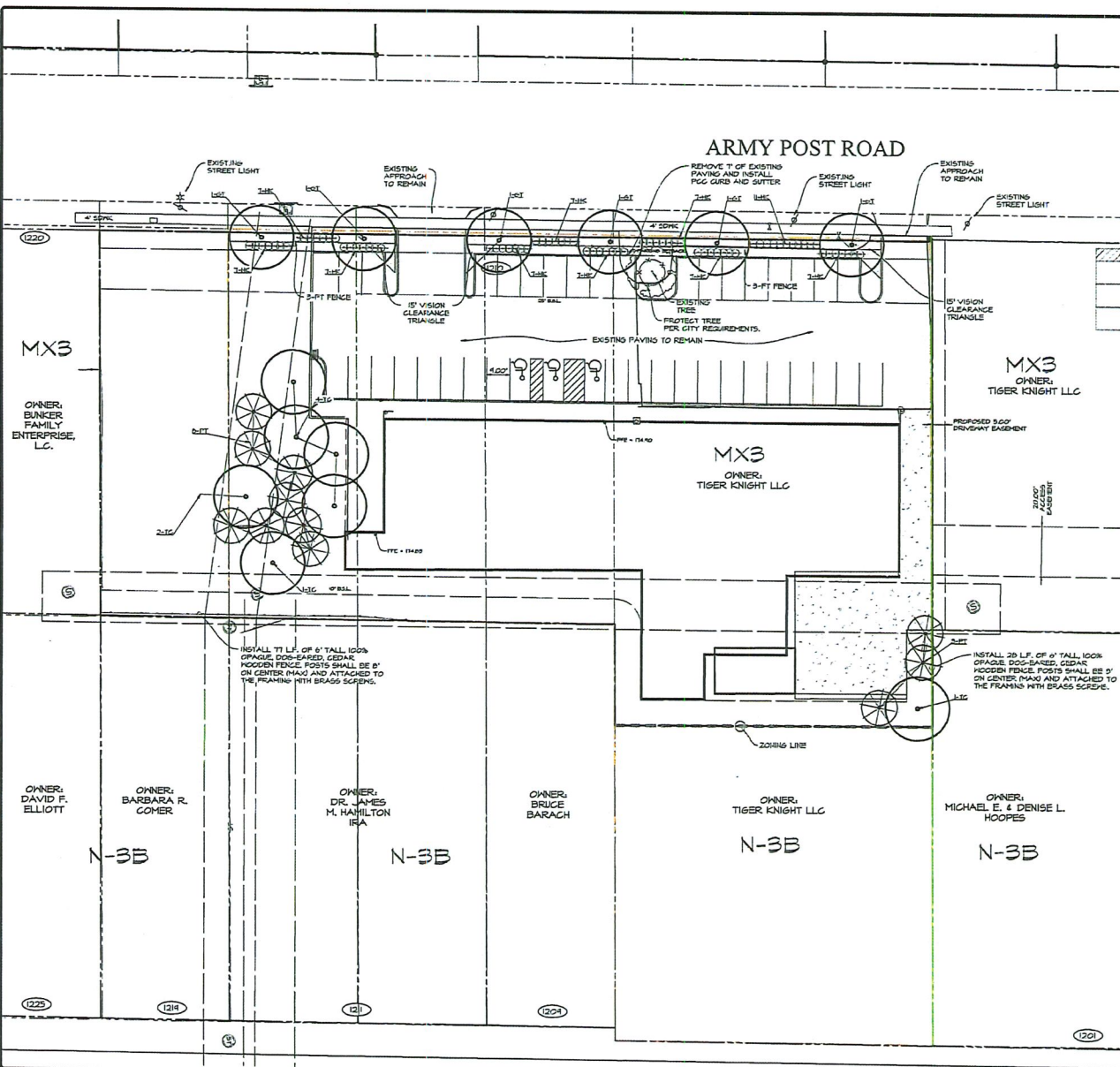
1210 ARMY POST ROAD
DES MOINES, IA
UTILITY PLAN

DATE	REVISIONS	COMMENTS
2021-04-26	1	
2019-03-06	2	
2018-11-06	3	
2018-07-25	4	
DESIGNED BY:	ARP	5
DRAWN BY:	141	6



Civil Engineering Consultants, Inc.
2400 86th Street, Unit 12, Des Moines, Iowa 50322
515.276.4884 • Fax: 515.276.7084 • mail@cecinc.com

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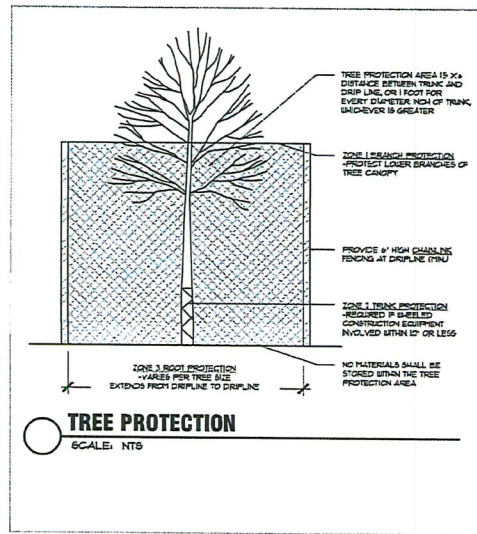


LANDSCAPE REQUIREMENTS

OPEN SPACE	PARKING PERIMETER	BUFFERYARD
PER 3500 SF 1 OVERSTORY 1 EVERGREEN 1 SHRUB	PER 50 LF 1 OVERSTORY 3 SHRUBS	PER 100 LF 1 OVERSTORY 3 EVERGREENS 6' SCREEN
10,844 SF (100% OPEN SPACE 10,844/2500 = 4.34 (S) 5 OVERSTORY 5 EVERGREENS 5 SHRUBS	266 LF/50 = 5.32 (S) 6 OVERSTORY 16 SHRUBS	SOUTH SIDE: 82 LF/100 = 0.82 (I) 1 OVERSTORY 3 EVERGREENS EAST SIDE: 29 LF/100 = 0.29 (I) 1 OVERSTORY 3 EVERGREENS

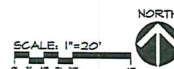
LANDSCAPING SCHEDULE

KEY	QUAN	Botanical name COMMON NAME	SIZE	CONDITION	NOTES
ST	6	Sheddenia tria. narmis 'Skycola' SKYLINE HONEYLOCUST	2" cal	B4B	MATCHED SPECIMEN
HK	14	Hypericum kalmianum KALMS ST. JOHN'S WORT	15" ht	CONT.	MATCHED SPECIMEN
PT	11	Pseudotsuga taxifolia DOUGLAS FIR	1" hl	B4B	MATCHED SPECIMEN
TC	7	Tilia cordata LITTLE LEAF LINDEN	2" cal	B4B	MATCHED SPECIMEN



TREE PROTECTION

SCALE: NTS



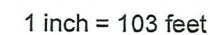
Civil Engineering Consultants, Inc.
2400 86th Street, Unit 12 - Des Moines, Iowa 50322
515.276.4884 - Fax 515.276.7884 - mail@cecinc.com



DATE	REVISIONS	COMMENTS
2014-04-26	1	ISSUED FOR PERMIT
2014-09-09	2	REVISED FOR PERMIT
2015-10-05	3	REVISED FOR PERMIT
2016-05-22	4	REVISED FOR PERMIT
2016-05-22	5	REVISED FOR PERMIT
2016-05-22	6	REVISED FOR PERMIT

1210 ARMY POST ROAD
DES MOINES, IA
LANDSCAPING PLAN





63

Item: ZONG-2022-000027

Date: 4/13/22

Please mark one of the following

☐

I am in favor of the request

☒

I am not in favor of the request

Signature: Nancy Bunker, Manager

Name: Nancy Bunker

Address: Home 1911 69th Windsor Hts 5th Sta. 6224

Titleholder for 1226 Army Post Road

Reason for opposing or approving this request may be listed below:

This neighborhood still has a lot of small, frame, affordable housing. I would prefer to maintain it as such rather than have more industrial development. I am titleholder to the west @ 1226 Army Post Road

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

APR 18 2022

Item: ZONG-2022-000027

Date: 4/13/22

Please mark one of the following

☐

I am in favor of the request

☒

I am not in favor of the request

Signature: Thomas Roth

Name: Thomas Roth

Address: 1212 West 1320 West
6242 SW 13th 1324 West

Reason for opposing or approving this request may be listed below:

They haven't Proved they want to be clean Respectful Neighbors.
± Rarely oppose requests but this one has not showed they want to comply.

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

APR 18 2022

40863

Item: ZONG-2022-000027 Date: _____

Please mark one of the following

☐ I am in favor of the request

☒ I am not in favor of the request

Signature: Patricia Dawson

Name: Patricia Dawson

Address: 4231 R 57 Norwalk

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

APR 18 2022

Reason for opposing or approving this request may be listed below:

Dont want tapes to go up.

63

Item: ZONG-2022-000027

Date: 4/14/2022

Please mark one of the following

- ☒ I am in favor of the request
☐ I am not in favor of the request

Signature: [Signature]

Name: John F. Scieszinski

Address: P.O. Box 366 / 350 Georgetown Ave

Norwalk, CT 06851-0366

Reason for opposing or approving this request may be listed below:

I want to see the neighborhood thrive

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

APR 21 2022

Item: ZONG-2022-000027

Date: 4/16/22

Please mark one of the following

- ☒ I am in favor of the request
☐ I am not in favor of the request

Signature: [Signature]

Name: Barry Nelson

Address: 1202 Army Post Rd

Reason for opposing or approving this request may be listed below:

City needs to allow renovation and
uses of more properties

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

APR 21 2022

Tiger Knight, 1210 and 1220 Army Post Road ZONG-2022-000027



Mail Support services <nancyjbunker@aol.com>

To: Dunn-Young, Frank A.



Reply

Reply All

Forward



Wed 4/13/2022 9:51 PM

If there are problems with how this message is displayed, click here to view it in a web browser.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello - I received my post card for the aforementioned proposal, and am returning same. However, just to be doubly sure my point of view is represented, I wanted to e-mail, as well.

This is an area of both business and residential properties. The family homes in the area are mostly older, frame, affordable homes. The residents of these properties deserve to have the area remain as such, rather than to be overtaken by "Industrial Service-Intensive" rezoning. Please preserve the area as an established family neighborhood.

Bunker Family Enterprises, L.C., is the Titleholder of the single-family dwelling at 1226 Army Post Road, the first property to the west of the addresses in question. We appreciate your consideration, and hope you DENY the request of Tiger Knight..

Thank you.

BUNKER FAMILY ENTERPRISES, L.C.

Nancy J. Bunker, Manager



SOMERSET NEIGHBORHOOD ASSOCIATION

President – Mel Pins – 210 E. Bundy Ave – Des Moines, Iowa 50315
Tel. 953-4289 email: melpins69@msn.com

April 20, 2022

Plan & Zoning Commission
City of Des Moines
602 Robert D. Ray Dr.
Des Moines, IA 50309-9603

RE: Opposition to Industrial Rezoning Request for Tiger Knight, LLC - 1210 and 1220 Army Post Rd.

Dear Commission:

The Somerset Neighborhood Association submits this formal opposition to the rezoning of the properties at 1210 and 1220 Army Post Rd. from Community Mixed Use to "I1" Industrial District. The proposed use of this property for industrial activities, such as a landscaping company with outdoor storage, or a vehicle maintenance repair location, are incompatible with the general character of this commercial corridor, as well as in the spirit of work to improve the aesthetic appearance and character of this important street.

Over the last 4 years Tiger Knight, LLC has brought this property to the Zoning Board of Adjustment, Plan & Zoning Commission, and the Des Moines City Council, for numerous business use requests that are incompatible with the commercial and neighborhood corridor of this area of Army Post Road. Tiger Knight has disregarded any direction and limitations that have been set by these municipal reviews and decision making bodies.

In 2020 Tiger Knight had illegally turned the property into an outdoor storage lot for home construction materials, including the storage of metal and wood trusses outside, and the parking of a complete modular home, on a trailer, on the premises for more almost a year. They illegally operating a lawn care business on the property, with the outdoor storage of seasonal equipment, blades, scrapers, and piles of aggregate supplies. Inoperable vehicles and vehicles for sale were scattered about the property. The property has looked completely out of character with the surrounding area, and lacks any appropriate screening or landscaping. Only recently did they 'clean up' the property, likely to persuade the Commission of their good intentions for site rezoning.

The Somerset Neighborhood Association is located about 1 mile east of this property, but as our Association also borders Army Post Road, and we have been strong advocates for valued-added redevelopment, landscape plantings, and future land-use planning along this important commercial corridor, the Association wants to ensure that our concerns on this rezoning request are shared with the Commission.

Sincerely,

Mr. Mel Pins
President
Somerset Neighborhood Association



Civil Engineering Consultants, Inc.

April 5, 2022

To: Surrounding Property Owners of:
1210 ARMY POST ROAD

RE: **NEIGHBORHOOD MEETING**

Dear Property Owner:

This letter is notice of a neighborhood meeting to be held on Wednesday, April 13, 2022 at 6:00 pm at the Double Tree Hotel at 6800 Fleur Drive (south of the airport).

This informational meeting is being held as a courtesy to the neighborhood. No formal action will be taken. If you know of any interested parties who have not received a copy of this letter, we would appreciate it if you would inform them of the time, date and place of the Neighborhood Meeting. Your comments and suggestions for the project will be appreciated.

The owner currently rents the facility to an automotive upholstery company and a landscaping company with outdoor storage. The city has sent notification that these uses are not allowed within the current zoning. A request has been made to the city to rezone the property to allow the current uses. A Public Hearing to review the rezoning request will be held before the City of Des Moines Plan & Zoning Commission at a later date.

Further information about the project can be obtained by calling:
Ed Arp, Civil Engineering Consultants, Inc. at (515) 276-4884 ext. 213 or
Sreyoshi Chakraborty, City Planner, City of Des Moines at (515) 283-4749.

If you cannot attend the meeting on April 13, 2022 and have comments you would like to share, please send them via e-mail to ARP@CECLAC.COM or by U.S. Postal Service to Ed Arp, Civil Engineering Consultants, Inc., 2400 86th Street, Unit 12, Des Moines, Iowa, 50322.

Sincerely,

CIVIL ENGINEERING CONSULTANTS, INC.

A handwritten signature in blue ink, appearing to read "Ed Arp".

Edward H. Arp, PLA, ASLA
Landscape Architect
Chairman

RE: 1210 Army Post Road



Ed Arp <arp@ceclac.com>

To: ✓ Dunn-Young, Frank A.; ✓ Chakraborty, Sreyoshi; ✓ Dunn-Young, Frank A.

↩ Reply

↩ Reply All

→ Forward



Mon 4/18/2022 1:02 PM

Start your reply all with:

Thank you for letting me know.

Great news! Thanks for sharing.

Ok, thanks.

Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Frank,

I wanted to give you a report on the neighborhood meeting last week. We had one neighbor attend representing the Fort Des Moines Church of the Open Bible at 1116 Army Post. He was in favor of the proposal.

Ed



CEC

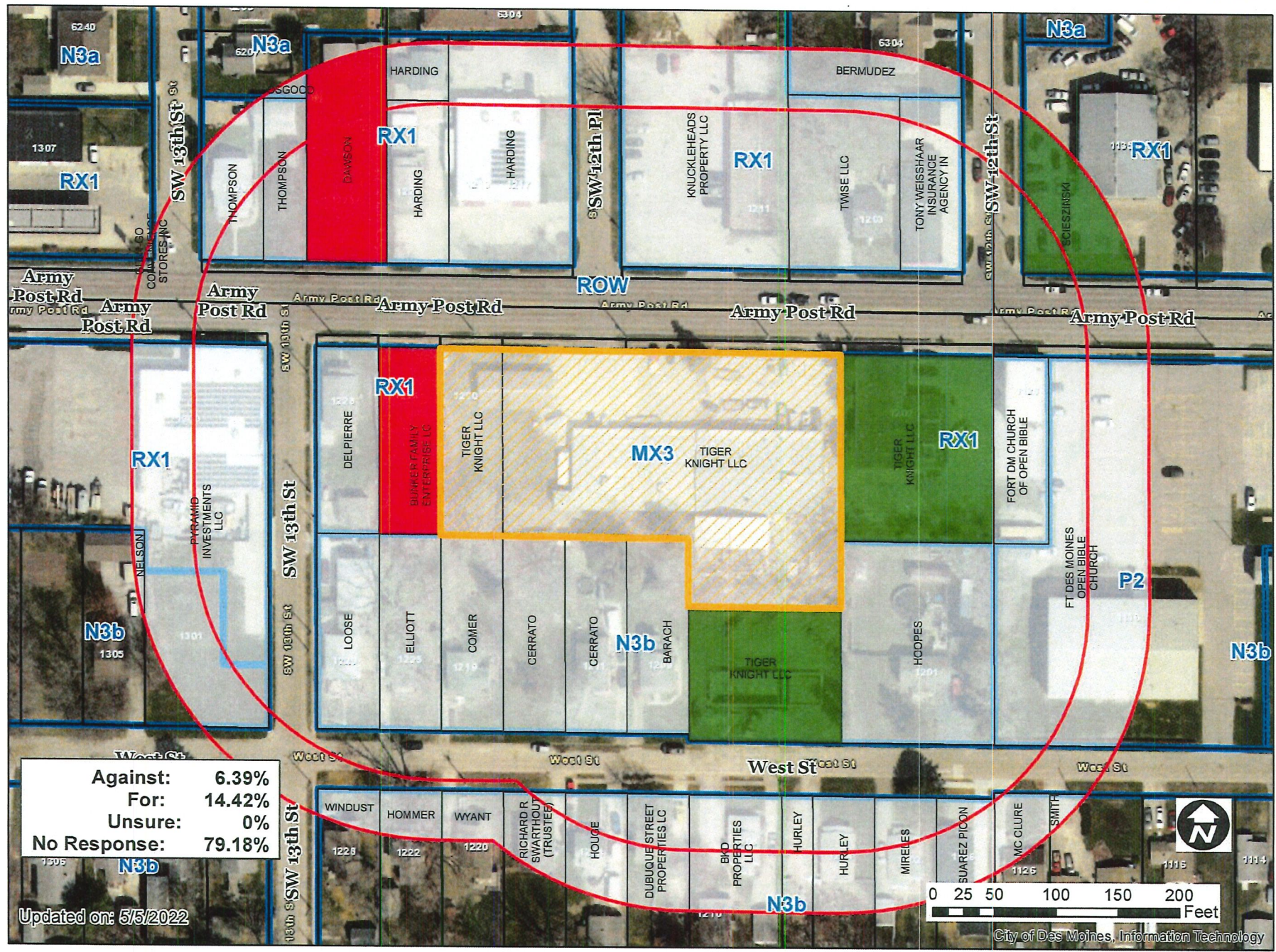
Civil Engineering Consultants, Inc.

Edward H. Arp, PLA, ASLA
Landscape Architect | Chairman
515.276.4884 x 213
www.ceclac.com

68603

Tiger Knight, 1210 & 1220 Army Post Road

ZONG-2022-000027



68 63

Item: ZONG-2022-000027 Date: _____

Please mark one of the following



I am in favor of the request



I am not in favor of the request

Signature: [Signature]

Name: Joseph Madonna

Address: 1727 CASADY DR

DM BA 50315

Reason for opposing or approving this request may be listed below:

We need to fill buildings
on the South Side of
DM.

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

APR 22 2022

6863

Archived: Thursday, May 5, 2022 3:53:04 PM

From: [Van Essen, Jason M.](#)

Sent: Thu, 5 May 2022 20:46:50

To: [Abigail Chungath](#) [Dory Briles](#) [Emily Webb](#) [Francis Boggus](#) ['Chris Draper'](#) [Todd Garner](#) [Johnny Alcivar](#) (johnny.alcivar@gmail.com) [Kayla Berkson](#) [Will Page](#) [Andy Lorentzen](#) rudolphi@substancearchitecture.com dan@slingshotarchitecture.com [Carolyn Jenison](#) lewisjustynb@gmail.com

Cc: [Drost, Bert A.](#) [Chakraborty, Sreyoshi](#) [Hall, Tyler J.](#)

Subject: FW: Limited MX3 Zoning for 1210-1220 Army Post Rd.

Importance: Normal

Sensitivity: None

FYI – This letter was received this afternoon regarding item 3 on our agenda tonight. We'll have it in the presentation, but in the interest of time, thought I'd share it in advance of the meeting.

Thanks!

Jason

JASON VAN ESSEN, AICP | CITY OF DES MOINES

Planning & Urban Design Administrator | Development Services

515-283-4147

[dsm.city](#) | 602 Robert D. Ray Drive | Des Moines, Iowa 50309

The City of Des Moines has launched new development review, permitting, and inspection software that includes a Customer Self-Service (CSS) online portal to make it easier to submit and track requests with the Planning & Urban Design Division. This portal provides customers with a secure and convenient way to submit applications and planning materials without printing, mailing, or faxing a form. Customers are also able to track requests to more easily determine where they are in the process. A link to this Customer Self Service site is available on the [Planning & Urban Design Division webpage](#).

From: Mel Pins <melpins69@msn.com>

Sent: Thursday, May 5, 2022 2:14 PM

To: Van Essen, Jason M. <JMVanessen@dmgov.org>

Cc: Drost, Bert A. <badrost@dmgov.org>

Subject: Limited MX3 Zoning for 1210-1220 Army Post Rd.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Van Essen,

The Somerset Neighborhood Association has reviewed the amended rezoning request for 1210-1220 Army Post, for consideration of the Plan & Zoning Commission at it's hearing of this evening, May 5, 2022, and wishes to provide comment on this item to the Commission.

With the revised request for a rezoning to a limited MX3 use of the property, which would allow the owner to provide 'automotive detailing', the Association is concerned that if such a request is approved, that the applicant understands what the City's definition of 'automotive detailing' is, and that the applicant is clear on what those limitations are, as any kind of automotive body repair work, body panel removal, repair, straightening, priming and painting, should constitute 'automotive repair', which would not be an allowable use. Any further 'car repair' uses, from a visual standpoint, should not be allowed on this property.

The property owner has established a pattern of either not understanding, or ignoring, past zoning regulations and compliance terms. As such, if the Plan & Zoning Commission seeks to approved the limited MX3, the owner should be made very clear of limitations of the use, so that this commercial corridor's character and appearance is enhanced, and not further detracted with unsightly vehicles that would be sitting outside in any stage of repair, non-operating condition, non-approved outside storage of vehicles and materials, or other negative appearances.

If an MX3 use allows a reasonable use of the property, with these conditions, the owner should now be able to use the property for their benefit and profit, without continuing the past pattern of negative property appearance that has occurred here over the last 5 years.

Sincerely,

Mr. Mel Pins
President - Somerset Neighborhood Association
Chair - City of Des Moines Zoning Board of Adjustment
210 E Bundy Ave.
Des Moines, IA 50315
515-577-2341 (cell)
follow us at www.facebook.com/SomersetNeighborhoodAssociation

Van Essen, Jason M.

From: Barry Nelson <barry.nelson@diversifiedsr.com>
Sent: Friday, April 29, 2022 10:39 AM
To: Lundy, Erik M.
Cc: Van Essen, Jason M.; Dunn-Young, Frank A.; Edward Arp; Chakraborty, Sreyoshi
Subject: Re: Modified P&Z Conditions for 1210 Army Post Road

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Well, I don't really have a choice. Since minor vehicle repair is allowed in mx3 (that's my understanding) I would like the whole thing allowed. I have the biggest building and parking lot on both sides of the street from the airport to south ridge mall.

However, if that won't get passed then I guess I have to settle for just upholstery and auto detailing

I can't remember why we excluded minor vehicle repair? Is that some kind of egregious use the city is trying to limit or eliminate in that area of town?

Barry Nelson

On Apr 28, 2022, at 1:47 PM, Lundy, Erik M. <EMLundy@dmgov.org> wrote:

What the average person considers auto detailing and tire repair fall under the same description of Vehicle Maintenance and Repair, Minor found in Section 134-3.5.19(D) in the City Code. This is the same Use Category that is necessary for the auto upholstery.

ERIK LUNDY, AICP, CPM | CITY OF DES MOINES
Zoning Enforcement Officer | Neighborhood Services
(515) 283-4144
DSM.city | 602 Robert D. Ray Drive | Des Moines, Iowa 50309

From: Van Essen, Jason M. <JMVanessen@dmgov.org>
Sent: Thursday, April 28, 2022 10:53 AM
To: Barry Nelson <barry.nelson@diversifiedsr.com>; Dunn-Young, Frank A. <FADunnYoung@dmgov.org>; Lundy, Erik M. <EMLundy@dmgov.org>
Cc: Edward Arp <arp@ceclac.com>; Chakraborty, Sreyoshi <SChakraborty@dmgov.org>
Subject: RE: Modified P&Z Conditions for 1210 Army Post Road

Erik, please answer Barry's question below as to what use category Auto Detailing and Tire Repair fall into.

Thanks!

Jason

JASON VAN ESSEN, AICP | CITY OF DES MOINES
Planning & Urban Design Administrator | Development Services
515-283-4147
dsm.city | 602 Robert D. Ray Drive | Des Moines, Iowa 50309

The City of Des Moines has launched new development review, permitting, and inspection software that includes a Customer Self-Service (CSS) online portal to make it easier to submit and track requests with the Planning & Urban Design Division. This portal provides customers with a secure and convenient way to submit applications and planning materials without printing, mailing, or faxing a form. Customers are also able to track requests to more easily determine where they are in the process. A link to this Customer Self Service site is available on the [Planning & Urban Design Division webpage](#).

From: Barry Nelson <barry.nelson@diversifiedsr.com>
Sent: Thursday, April 28, 2022 10:35 AM
To: Dunn-Young, Frank A. <FDunnYoung@dmgov.org>
Cc: Edward Arp <arp@ceclac.com>; Van Essen, Jason M. <JMVanessen@dmgov.org>; Chakraborty, Sreyoshi <SChakraborty@dmgov.org>
Subject: Re: Modified P&Z Conditions for 1210 Army Post Road

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Where does auto detailing and/or a tire shop fall?

Barry Nelson

On Apr 28, 2022, at 6:38 AM, Dunn-Young, Frank A. <FDunnYoung@dmgov.org> wrote:

Good Morning Barry and Ed,

Please find the modified request (see below) as we discussed at Tuesday's meeting. Please look over this request and confirm that you agree. As the P&Z meeting is set to take place Thursday, May 5th, we will need confirmation as soon as possible today, preferably by noon. Thank you for your attention to this detail. If you have any questions, please let me know.

Part A) Staff recommends that the proposed rezoning be found in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, which designates the property as Community Mixed Use.

Part B) Staff recommends approval of the request to rezone the subject property from a Limited "MX3" Mixed-Use District to a Limited "MX3" Mixed-Use District subject to the following conditions:

- (1) The following uses shall be prohibited on the Property:**
 - a. Animal Boarding.**
 - b. Bar.**
 - c. Bail Bonds.**
 - d. Delayed Deposit Service.**
 - e. Pawnbroker.**
 - f. Sign, General Advertising (billboard).**

- g. **Vehicle Sales & Service Category, including Fuel Station, Vehicle Sales, Vehicle Rental, and Vehicle Maintenance/Repair, Minor, except Automotive Upholstery Business is permitted.**
 - h. **Any use that that involves the sale or service of alcoholic liquor, wine, and/or beer.**
- (2) **Any commercial use on the Property shall be in accordance with all Site Plan and Building Code requirements, including issuance of all necessary permits by the City's Permit & Development Center.**
 - (3) **No commercial use of the Property shall commence until a Certificate of Occupancy for such use has been issued by the City's Permit & Development Center.**

[FRANK DUNN-YOUNG](#) | CITY OF DES MOINES
Senior City Planner | Development Services
(515) 283-4743
[DSM.city](#) | 602 Robert D. Ray Drive | Des Moines, Iowa 50309

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Tiger Knight, 1210 & 1220 Army Post Road

ZONG-2022-000027



1 inch = 103 feet